

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

CHRISTIAN N.,¹

No. 6:19-cv-00484-HZ

Plaintiff,

ORDER

v.

COMMISSIONER, SOCIAL
SECURITY ADMINISTRATION,

Defendant.

HERNÁNDEZ, District Judge:

Plaintiff Christian N. brought this action seeking review of the Commissioner's final decision to deny Disability Insurance Benefits. On September 17, 2020, the Court reversed the Commissioner's decision and ordered that the case be remanded for an award of benefits. Opinion & Order, ECF 15. Judgment was also entered on September 17, 2020. ECF 17. On

¹ In the interest of privacy, this Order uses only the first name and the initial of the last name of the non-governmental party in this case. Where applicable, the Court uses the same designation for a non-governmental party's immediate family members.


August 16, 2021, Plaintiff's counsel received notice of retroactive auxiliary award for benefits for Plaintiff's children: Ethan N., Justin N., and Parker N. Pl. Mot. Ex. 2-4, ECF 23.

Plaintiff now seeks an award of fees pursuant to 42 U.S.C. § 406(b). Pl. Mot. Defendant does not oppose this request. *Id.* The Court has reviewed the record in the case, the motion, and the supporting materials including the award of auxiliary benefits, the fee agreement with counsel, and the recitation of counsel's hours and services. Applying the standards set by *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002), the Court finds the requested fees reasonable.

The Court GRANTS the motion [23] and awards Plaintiff's counsel \$12,009.45 in attorney's fees under 42 U.S.C. § 406(b). Previously, the Court awarded Plaintiff attorney's fees in the amount of \$24,066.00 under 42 U.S.C. § 406(b) for Plaintiff's award for benefits. An amount of \$9,852.00, which had been awarded under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412 was refunded by counsel to Plaintiff. Any additional amount withheld after all administrative and court attorney's fees are paid should be released to the claimant.

IT IS SO ORDERED.

DATED: November 3, 2021.


MARCO A. HERNANDEZ
United States District Judge